

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

TAFT STETTINIUS HOLLISTER	:	Civil Action No.
Plaintiff,	:	Judge _____
v.	:	
HWAREH.COM d/b/a HEALTH WAREHOUSE.COM	:	Removed from the Court of Common Pleas, Hamilton County, Ohio, Case No. A 1602800
Defendant.	:	

**NOTICE OF REMOVAL
BY DEFENDANT, HWAREH.COM, INC.**

Pursuant to 28 U.S.C. Sections 1332(a) and 1441(b), and without waiving any defense or objections, Defendant Hwareh.com, Inc. ("Defendant"), hereby removes this action from the Court of Common Pleas, Hamilton County, Ohio to the United States District Court for the Southern District of Ohio, Western Division. As the legal and factual basis for removal, Defendant states:

1. On May 13, 2016, Plaintiff Taft, Stettinius & Hollister ("Plaintiff") filed this civil action against Defendant in the Court of Common Pleas in Hamilton County, Ohio, Case No. A 1602800. A copy of the Complaint is attached hereto as Exhibit A. There have been no further pleadings filed in this action.

2. Defendant was served with the Summons and Complaint by certified mail on May 19, 2016.

3. The Hamilton County action is properly removable to this Court pursuant to 28 U.S.C. §§ 1332 and 1441 because (a) it is a civil action between two citizens of different States, (b) the amount in controversy is allegedly \$936,777.61, exclusive of interest and costs, and (c) Defendant is not a citizen of the State of Ohio, where this action was brought.

4. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is being serviced and filed less than 30 days following the service of the Summons and Complaint upon Defendant.

5. Defendant is a Delaware corporation with its corporate headquarters and principal place of business located at 7107 Industrial Road, Florence, Kentucky 41042. Plaintiff is an Ohio limited liability partnership with its principal place of business located at 425 Walnut Street, Suite 1800, Cincinnati, Ohio 45202. There is complete diversity of citizenship between Plaintiff and Defendant.

6. Pursuant to 28 U.S.C. Section 1446(d), a copy of this Notice of Removal has been promptly served upon all counsel and filed with the Clerk of Courts for the Hamilton County Court of Common Pleas, contemporaneous with this filing.

7. Pursuant to 28 U.S.C. Section 1446(a), a true and accurate copy of the Complaint filed in the Hamilton County civil action, together with all process, pleadings, and orders, are attached hereto as Exhibit A.

8. Venue is proper in this Court because this Court is the district court where the Hamilton County action is pending, pursuant to 28 U.S.C. § 1441(a).

Respectfully submitted,



August T. Janszen (0062394)
THE JANSZEN LAW FIRM
4750 Ashwood Drive, Suite 201
Cincinnati, OH 45241
(513) 326-9065 (telephone)
(513) 326-9066 (facsimile)
atjanszen@janszenlaw.com
Attorney for Defendant, Hwareh.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Courts using the Court's CM/ECF system which will send notification of such filing to the counsel of record on this 15th day of June, 2016.



August T. Janszen (0062394)



**TRACY WINKLER
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

**ELECTRONICALLY FILED
May 13, 2016 01:33 PM
TRACY WINKLER
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 525393**

**TAFT STETTINIUS
HOLLISTER LLP**

A 1602800

vs.

**HWAREHCOM INC DBA
HEATLWAREHOUSECOM
FKA HEALTHWARE**

**FILING TYPE: INITIAL FILING (IN COUNTY) WITH NO JURY
DEMAND**

PAGES FILED: 4

EFR200

EXHIBIT A

**COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

TAFT STETTINIUS & HOLLISTER LLP,

425 Walnut St. Suite 1800
Cincinnati, Ohio 45202

Plaintiff

v.

**HWAREH.COM, INC., d/b/a
HEATLWAREHOUSE.COM f/k/a
HEALTHWAREHOUSE.COM, INC.**

7107 Industrial Road
Florence, Kentucky 41042

Serve also:
CFAS INC
7107 Industrial Road
Florence, Kentucky 41042

Defendant.

Case No. _____

Judge _____

COMPLAINT FOR DAMAGES

For its Complaint in this matter, Plaintiff Taft Stettinius & Hollister LLP says as follows:

1. This is a Complaint for money due and owed for legal services rendered between April of 2011 and January of 2015.

PARTIES AND JURISDICTION

2. Plaintiff Taft Stettinius & Hollister LLP (“Plaintiff”) is a limited liability partnership organized under the laws of Ohio with offices within Hamilton County, Ohio and Kenton County, Kentucky.

3. Hwareh.com., Inc. d/b/a HealthWarehouse.com f/k/aHealthWarehouse.com, Inc., (“Defendant”) is a corporation organized under the law in the State of Delaware. At the time the contract that is the subject matter of this litigation was entered into, Defendant had its principal

place of business within Hamilton County, Ohio. Today, Defendant's principal place of business is within Boone County, Kentucky.

4. The engagement giving rise to this lawsuit was entered into Hamilton County, Ohio. This Court has jurisdiction of the claims in this Complaint. Venue is proper within Hamilton County, Ohio.

FACTS

5. Beginning in April of 2011, Defendant retained Plaintiff to provide legal services to it on a range of matters. From then until January of 2015, Plaintiff provided those services pursuant to the engagement letter it sent to Defendant.

6. The engagement letter entered into between the parties pursuant to which those legal services were provided is not attached hereto as it may represent a confidential communication between an attorney and a client, to which the protection of the attorney-client privilege applies. The engagement letter is equally available to both parties.

7. Plaintiff has fully performed its obligations under that engagement letter.

8. Pursuant to the terms of the engagement, Plaintiff billed Defendant a total of \$936,777.61 for which Defendant has not made payment.

9. Pursuant to the engagement letter, interest is owed on any unpaid amounts from thirty (30) days after each statement is rendered at a rate of 1% per month.

CLAIM

10. Plaintiff incorporates by reference paragraphs 1-8 above as if fully set forth herein.

11. Defendant owes the Plaintiff the sum of \$936,777.61 plus interest on that amount at the rate specified in the engagement letter. Defendant has paid no portion of that amount.

WHEREFORE, having fully pled at this time, Plaintiff prays damages as follows:

- For Judgment in the amount of \$936,777.61;
- For interest on that amount from thirty (30) days after each of the fee statements were rendered at a rate of 1% per month until payment; and
- For such other and further relief as the Court may order.

Respectfully submitted,

/s/ Russell S. Sayre

Russell S. Sayre (0047125)

Michael L. Meyer (0093190)

Taft Stettinius & Hollister LLP

425 Walnut St., Suite 1800

Cincinnati, OH 45202

Ph: 513-381-2838

Fax: 513-381-0205

sayre@taftlaw.com

mmeyer@taftlaw.com

*Trial Counsel for Plaintiff Taft Stettinius &
Hollister LLP*

PRAECIPE FOR SERVICE

TO THE CLERK:

Please serve a copy of the Complaint and Summons via certified mail, return receipt requested, upon the defendant as listed in the caption.

/s/ Russell S. Sayre



UNITED STATES
POSTAL SERVICE

Case 1:16-cv-00548-SJD Doc #: 1 Filed: 06/19/16 Page: 9 of 14 PAGEID #: 9
ELECTRONIC CERTIFIED MAIL SERVICE RETURN
SUMMONS & COMPLAINT
A 1602800 D1
HWAREHCOM INC DBA HEATLWAREHOUSECOM
FILED: 05/23/2016 6:42:48

Date Produced: 05/23/2016

HAMILTON COUNTY CLERK OF COURTS:

The following is the delivery information for Certified Mail™ item number 7194 5168 6310 0789 5136. Our records indicate that this item was delivered on 05/19/2016 at 11:29 a.m. in FLORENCE, KY 41042. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 12470724SEQ1



UNITED STATES
POSTAL SERVICE

Case 1:16-cv-00518-SJD Doc #: 1 Filed 06/15/16 Page 10 of 14 PAGEID #: 19
ELECTRONIC CERTIFIED MAIL SERVICE RETURN
SUMMONS & COMPLAINT
A 1602800 D1
HWAREHCOM INC DBA HEATLWAREHOUSECOM
FILED: 05/23/2016 6:42:48

Date Produced: 05/23/2016

HAMILTON COUNTY CLERK OF COURTS:

The following is the delivery information for Certified Mail™ item number 7194 5168 6310 0789 5143. Our records indicate that this item was delivered on 05/19/2016 at 11:29 a.m. in FLORENCE, KY 41042. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

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Customer Reference Number: 12470755SEQ1

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

TAFT STETTINIUS HOLLISTER LLP
PLAINTIFF

-- vs --

Use below number on
all future pleadings

No. A 1602800
SUMMONS

HWAREHCOM INC DBA HEATLWAREHOU
DEFENDANT

HWAREHCOM INC DBA HEATLWAREHOUSECOM
% CFAS INC
7107 INDUSTRIAL RD
FLORENCE KY 41042

D - 1

You are notified
that you have been named Defendant(s) in a complaint filed by

TAFT STETTINIUS HOLLISTER LLP
425 WALNUT STREET
SUITE 1800
CINCINNATI OH 45202

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
TRACY WINKLER, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he/she has no attorney of record, a copy of an answer to the complaint within twenty-eight (28) days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three (3) days after the service of a copy of the answer on the plaintiff's attorney.

Further, pursuant to Local Rule 10 of Hamilton County, you are also required to file a Notification Form to receive notice of all future hearings.

If you fail to appear and defend, judgement by default will be rendered against you for the relief demanded in the attached complaint.

Name and Address of attorney
RUSSELL S SAYRE
1800 FIRSTAR TOWER
425 WALNUT ST
CINCINNATI OH
45202-3957

TRACY WINKLER
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN

Deputy

Date: May 17, 2016



D114481850

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

TAFT STETTINIUS HOLLISTER LLP
PLAINTIFF

-- vs --

Use below number on
all future pleadings

No. A 1602800
SUMMONS

HWAREHCOM INC DBA HEATLWAREHOU
DEFENDANT

HWAREHCOM INC DBA HEATLWAREHOUSECOM
7107 INDUSTRIAL ROAD
FLORENCE KY 41042

D - 1

You are notified
that you have been named Defendant(s) in a complaint filed by

TAFT STETTINIUS HOLLISTER LLP
425 WALNUT STREET
SUITE 1800
CINCINNATI OH 45202

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
TRACY WINKLER, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he/she has no attorney of record, a copy of an answer to the complaint within twenty-eight (28) days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three (3) days after the service of a copy of the answer on the plaintiff's attorney.

Further, pursuant to Local Rule 10 of Hamilton County, you are also required to file a Notification Form to receive notice of all future hearings.

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Name and Address of attorney
RUSSELL S SAYRE
1800 FIRSTAR TOWER
425 WALNUT ST
CINCINNATI OH
45202-3957

TRACY WINKLER
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN

Deputy

Date: May 17, 2016



D114481769



COURT OF COMMON PLEAS
GENERAL DIVISION
HAMILTON COUNTY, OHIO

ENTERED
MAY 24 2016

Taft, Stettinius & Hollister

Luebbers
Judge

Case No. A 1602840

vs.

Huareh Com Inc

Entry Directing Transfer
of Case to
Commercial Docket (ETCD)

The Assignment Commissioner is hereby directed to transfer the above-captioned case from the docket of Judge Luebbers to the Commercial Docket. The case shall be re-rolled to one of the Commercial Docket Judges.

ENTER

Judge

MAY 24 2016
[Signature]
JOJOY M. LUEBBERS, JUDGE
6/23/16

THE STATE OF OHIO, HAMILTON COUNTY
COURT OF COMMON PLEAS

date: 06/02/2016

code: GERA

Entered

Date:

Image:



D114666628

Administrative Judge

CASE: A 1602800

JUDGE ROBERT P. RUEHLMAN
COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

TAFT STETTINIUS HOLLISTER LLP

ENTRY OF RE-ASSIGNMENT

VS.

HWAREHCOM INC DBA HEATLWAREHOUSECOM FKA
HEALTHWARE

ENTERED

JUN 03 2016

It appearing that due to **COMMERCIAL DOCKET**, case **A 1602800** is hereby
reassigned from **Judge JODY M LUEBBERS** to **Judge STEVEN E MARTIN**.